



Tiffany Miller

Partner

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Tiffany Miller focuses on patent litigation and counsels clients on freedom to operate and patent portfolios, including standards essential patent portfolios.

Tiffany has represented clients in patent litigation relating to cellular communications, wireless devices, electronics, computer architecture, storage architecture, sensors, and wearable technology. Her practice includes district court litigations spanning multiple jurisdictions in the United States, ITC investigations, and post grant review proceedings at the patent office. She also has significant experience in patent application preparation and prosecution in the technology areas of communications, signal processing, electronics, mechanical systems and semiconductor manufacturing.

- Patent Litigation
- Litigation, Arbitration and Investigations
- Intellectual Property and Technology

REPRESENTATIVE LITIGATION MATTERS

- *realZOOM LLC v. NIKE, Inc., Williams-Sonoma, Inc., and Staples, Inc.* (Eastern District of Texas); IPR2020-00118: Represented Nike, Williams-Sonoma, and Staples in three separate single-patent infringement lawsuits and an IPR proceeding involving a web browser image zoom feature. Obtained complete victory based on invalidating on-sale bar evidence not uncovered in previous litigations.
- Represented a multinational technology client in multiple cases regarding cellular SEP technologies. The cases were favorably resolved soon after winning a motion for summary judgment pursuant to 35 U.S.C. § 101 through a global settlement agreement.
- *NICE Ltd. et al v. CallMiner Inc.* (District of Delaware): Representing CallMiner in a patent action filed by competitor NICE Ltd. NICE asserted an unusually high number of patents, 14, involving analytics and technology related to the call center industry.
- *Sable Networks, Inc. v. Hewlett Packard Enterprise Company, Aruba Networks, Inc.* (Eastern District of Texas): Represented HPE and Aruba in a five patent infringement lawsuit involving network management technology.
- *Mobile Telecommunications Technologies, LLC v. Aruba Networks, Inc., Hewlett Packard Enterprise Company, and HP Inc.* (Eastern District of Texas): Represented HP and HPI in a three-patent infringement lawsuit involving Wi-Fi features.
- *Certain Obstructive Sleep Apnea Treatment Mask Systems and Components Thereof, Inv. No. 337-TA-1136; IPR2019-180*: Represented ResMed in a six-patent ITC investigation filed September 2018 in the ITC by competitor Fisher & Paykel Healthcare Limited seeking exclusion of ResMed's obstructive sleep apnea treatment mask systems. These proceedings were part of a multijurisdictional litigation between the parties in the US, UK, Germany, Australia and New Zealand. The IPR was instituted, and the

matter was settled quickly between parties and favorably for our client in the ITC and around the globe.

- *American Patents LLC v. HP Inc.* (Eastern District of Texas): Represented HPI in a six-patent infringement lawsuit involving synchronization of wireless communication systems, access to network resources, and display of an input device layout.
- *Mayfonk, Inc. v. NIKE, Inc.* (District of Oregon): Represented Nike in a one patent case related to wearable sensors. The case settled favorably after winning a motion to transfer.
- *NIKE, Inc. v. Hummel Sport USA and Hummel A/S* – Represented Nike in a direct competitor and brand enforcement case filed in the District of Massachusetts regarding cleated footwear and athletic apparel temperature management technology. The cases settled favorably.
- *Tellus Fit, LLC v. NIKE, Inc.* (Eastern District of Texas) – Represented Nike in patent infringement matter involving wearable fitness devices.
- *Rydex v. CareFusion* (District of Delaware)– Represented CareFusion (now Becton Dickinson) in patent infringement litigation in the District of Delaware related to infusion pumps.
- *Certain Optical Disc Drives, Components Thereof, And Products Containing The Same* (337-TA-897) – Represented Respondents Toshiba Corporation and Toshiba America Information Systems, Inc. in this six patent investigation regarding optical disc drive technology and related servo systems. Obtained Initial Determinations from the ALJ, which were upheld by the Commission, terminating the investigation as to all six patents on the ground that the complainant lacked standing to institute the investigation.
- *Certain Printing and Imaging Devices and Components Thereof*, Inv. No. 337-TA-690: Represented Ricoh in a five-patent ITC investigation filed in the ITC in September 2009 against Oki Data. Seeking an exclusion order against all printing and imaging devices (and their essential components, fuser units and image drums) imported into the United States by Oki Data.
- *Ricoh v. Oki Data* (District of Delaware): Represented Ricoh in a six-patent infringement lawsuit involving printing and imaging technology.
- Represented a multinational technology client in a five patent United States International Trade Commission investigation concerning mobile device power management and touchscreen user interface technologies. Obtained an Initial Determination by the ALJ, and a Final Determination from the Commission, finding no violation as to all patents based upon findings of non-infringement and no domestic industry
- *NetApp v. Sun Microsystems and Sun Microsystems v. NetApp* (Northern District of California): Represented Sun in three District Court patent infringement actions between Sun and NetApp. The parties are litigating 39 patents, most of which are directed to storage technology. Obtained favorable settlement.
- *Motorola/RIM Litigation* (Northern District of Texas): Represented Motorola in lawsuits against Research in Motion and its subsidiaries, involving over 25 patents.
- *HP/Acer Litigation* (Eastern District of Texas, Western District of Wisconsin, ITC): Represented Hewlett-Packard in this multi-jurisdictional patent infringement dispute involving five US lawsuits in three venues and a total of 26 patents (15 asserted by HP; 11 by Acer) relating to personal computer architecture and design, microprocessors and peripheral devices. The first of two lawsuits in the ITC involving three HP patents was tried in February 2008, Investigation No. 337-TA-606, Certain Personal Computers and Digital Display Devices. The cases were settled favorably for HP while the Initial Determination in the -606 investigation decision was pending. By the time of the settlement, HP had successfully disposed of four of the 11 asserted Acer patents.
- *Broadcom Corp. v. Qualcomm, Inc.* (Central District of California): Provided technical support in representing defendant in patent infringement case involving baseband processors and wireless communications, including CDMA, UMTS and GSM technologies.
- *Cornell v. HP* (Northern District of New York): Represented Hewlett-Packard in a patent infringement suit filed by Cornell University involving a patent related to instruction issuance in superscalar processors. The case was tried to a jury in May 2008, resulting in a finding of infringement and validity, but no willful infringement. The case then proceeded to a bench trial before Judge Randall Rader of the Federal Circuit (sitting by designation) on several HP defenses, including inequitable conduct. Judge Rader slashed the jury's damages award by almost 75 percent. The Federal Circuit heard oral argument for the appeal in April 2010.
- *Philips v. Kodak* (District of Delaware): Represented defendant in patent litigation involving JPEG and MPEG encoding technology.
- *Qualcomm v. Nokia* (Eastern District of Texas): Represented plaintiff in patent litigation involving cellular communications and wireless device technologies. Case settled favorably for client.

CREDENTIALS

Admissions

- California
- United States Patent and Trademark Office

Prior Experience

- Patent Scientist, Knobbe Martens Olson & Bear, LLP (2001 – 2005)

Recognitions

- Super Lawyers Rising Stars – Intellectual Property (2015-2016)

Education

- J.D., University of San Diego School of Law 2006
San Diego Law Review
- B.S.E.E., California Polytechnic State University, San Luis Obispo 2000

Courts

- All California federal district courts

Memberships

- Intellectual Property Section, California State Bar
- Athena San Diego

INSIGHTS

Events

Previous

14th annual Women in IP Law program

17 November 2020 | 1:00 - 2:00 ET
Webinar

While you were sheltering: Recent developments in the patent litigation landscape

24 June 2020 | 11:00 - 12:00 PDT
Webinar
